

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

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DISTRICT OF MAINE
PORTLAND
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NATHAN REARDON,
Plaintiff,

v.

Civil Action No.

ANDREW LIZOTTE,
Assistant United States Attorney,
in his individual capacity,

Defendant.

COMPLAINT FOR DAMAGES UNDER BIVENS v. SIX UNKNOWN
NAMED AGENTS

Plaintiff Nathan Reardon brings this civil action pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971), against Assistant United States Attorney Andrew Lizotte, in his individual capacity, for constitutional violations arising from the improper use of non-binding sentencing commentary to increase Plaintiff's sentence under the United States Sentencing Guidelines.

INTRODUCTION

1. This case arises from one of the most egregious misuses of the federal sentencing system in modern judicial history. Nathan Reardon was sentenced based not on law passed by Congress or the United States Sentencing Commission, but on a commentary note—Application Note 3(A)—which improperly redefined 'loss' in the sentencing guidelines to include 'intended loss,' even where no such actual loss occurred.

2. Because of this manipulation, Reardon's sentencing guideline range nearly doubled, from 6–12 months to 18–24 months.

3. The prosecuting attorney, Andrew Lizotte, knew this was

wrong. Worse, he had previously negotiated a plea agreement capping Reardon's sentence at 12 months and 1 day—but reversed course at sentencing, pushing for 24 months.

4. Lizotte then stalled and obstructed the appellate process, ensuring that by the time the First Circuit could hear Reardon's appeal, his sentence would be fully served. He then argued the appeal was moot—an intentional act of bad faith, knowing that the original enhancement was likely unlawful.

5. The result: Reardon, a father of five, was ripped from his family, missed the most irreplaceable moments in his children's lives, and suffered immeasurable emotional and financial harm.

PARTIES

6. Plaintiff Nathan Reardon is a resident of Plymouth, Maine, and the father of five children. He was sentenced in the United States District Court for the District of Maine in Case No. 1:21-cr-00061-LEW.

7. Defendant Andrew Lizotte is, upon information and belief, an Assistant United States Attorney for the District of Maine. He is sued in his individual capacity for actions taken under color of federal law.

JURISDICTION AND VENUE

8. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and the doctrine set forth in *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

9. Venue is proper in this district under 28 U.S.C. § 1391(b) as all events giving rise to the claims occurred in the District of Maine.

CAUSES OF ACTION

Count I – Violation of Fifth Amendment Due Process Rights

10. Defendant Lizotte, acting under color of federal authority, knowingly and intentionally deprived Plaintiff of his liberty without due process of law.

11. He did so by urging the Court to impose a sentencing enhancement derived from a non-binding commentary note, in violation of established sentencing rules and Plaintiff's constitutional rights.

12. The conduct was intentional, malicious, and directly resulted in Plaintiff's extended incarceration and substantial

DAMAGES

13. Plaintiff suffered 20 months of incarceration based on an invalid sentencing enhancement.

14. He missed the following irretrievable moments with his children:

- Liberty (age 1), Kinsley (4), Easton (6), Caliana (9), and Vanessa (13)

- Two Christmases, three Easters, multiple birthdays

- His only son's first tooth

- His daughter's driver's education timeline was derailed

- His dog of 10 years, Wrecker, died without him

15. His children were homeschooled and fell behind academically due to the absence of their father and the overwhelming pressure on their mother.

16. Plaintiff lost multiple businesses, contracts, investors, and over 25 years of professional momentum.

17. The press coverage destroyed his reputation and continues to harm him today.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- a. Enter judgment against Defendant Andrew Lizotte for compensatory damages in an amount to be determined at trial;

- b. Award punitive damages to deter future constitutional violations;

- c. Declare that Defendant's conduct violated Plaintiff's constitutional rights;

- d. Award costs and attorney's fees under 28 U.S.C. § 2412;

- e. Grant such other relief as the Court deems just and proper.

Dated: April 22, 2025



Respectfully submitted,

Nathan Reardon

Pro Se Plaintiff

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